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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/522,201
Filing Date: February 16, 2006
Appellant(s): DOLBEC ET AL.

Stuart H. Mayer(35,277)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/22/2010 appealing from the Office action mailed 07/07/20098 and an advisory action mailed 10/22/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US Pat 6,130,875	Doshi et al	10-2000
US Pat 6,058,103	Henderson et al	05-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 1-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al US 6,130,875 and further in view of Henderson et al US 6,058,103.
2. Regarding claims 1, Doshi teaches a method and system for detecting current fiber connectivity between optical nodes in the network, and storing information regarding the current fiber link connectivity (**Col 35 Lines 4-9**). Doshi teaches detecting any cabling changes (**Col 10 Lines 53- 57**), and determining the impact of the cabling changes on service through the network including impacts on cross connect and lightpaths (**Col 13 Lines 47-57**). Doshi does not teach displaying the impact of cabling changes on the service including the impacts on cross-connects and lightpaths. Henderson teaches displaying the impact of cabling changes on the service (**Col 14**

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Lines 57-67) including the impacts on cross-connects and lightpaths **(the object model is used for displaying cross-connect (devices that connect links) and lightpaths (links) Col 7 Lines 53-56)**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Doshi with Henderson. The reason for this modification would be to provide a graphical method for a network engineer to review and manage failures and other changes to a network.

3. Regarding claim 2, Doshi teaches us the act of determining impact on services to support the step of directing operator resolution of errors caused by the cabling changes **(Col 13 Line 62 - Col 14 Line 7)**.

4. Regarding claim 3, Doshi teaches an element management system (EMS) within a node **(Col 10 Lines 36 -43)**.

5. Regarding claims 4, Doshi teaches the method is implemented within a network management system (NMS) **(Col 10 Lines 36 -43)**. The functions provided at the node are within an optical network and are thus within a network management system.

6. Regarding claim 5, Doshi teaches the method implemented with an operations support system (OSS) **(Col 10 Lines 36 -43)**. The node's function of resolving path failures support the operation of the network and thus are part of an operations support system.

7. Regarding claim 6, Doshi teaches the method is implemented as a combination of EMS, NMS and OSS **(Col 34 Lines 13-15)**.

8. Regarding claim 7, the teachings of Doshi/Henderson have already been discussed in reference to claim 1. Henderson teaches current fiber connectivity **(Col 14**

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Lines 32- 36) and any cabling changes (**failures**) are displayed on a graphical user interface (GUI) (**Col 14 Lines 57-67**). Regarding claim 8, the teachings of Doshi have already been discussed in reference to claim 7. Doshi does not teach that the GUI displays a correlation between optical nodes in the network and fiber connectivity. Henderson teaches that the GUI displays a correlation between optical nodes in the network and fiber connectivity (**Col 15 Lines 7-9**). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Doshi with Henderson. The reason for this modification would be to provide a graphical method for a network engineer to review and manage failures and other changes to a network.

9. Regarding claim 9, the teachings of Doshi/Henderson have already been discussed in reference to claim 7. Henderson further teaches that the GUI displays cross-connection impacted by a cabling change (**Col 16 Lines 16-24**).

10. Regarding claim 10, the teachings of Dosh/Henderson have already been discussed in reference to claim 7. Henderson further teaches that the GUI displays lightpaths impacted by a cabling change (**Col 16 Lines 10-26**).

11. Regarding claim 11, the teachings of Doshi/Henderson have already been discussed in reference to claim 7. Henderson further teaches that any cabling change must be approved by an operator before initiation of the change (**Col 26 Lines 12-18**).

12. Regarding claim 20, the teachings of Doshi/Henderson have already been discussed in reference to claim 1. Henderson further teaches wherein impact determining step includes determining if lightpaths have been automatically rerouted off

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affected optical links (**designer can monitor self restoration capabilities Col 14 Lines 63-67**).

(10) Response to Argument

The appellant argues that the rejection of claims 1-11 and 20 with Doshi in view of Henderson is improper because the examiner has failed to give the proper well known and accepted meaning to the term “lightpath”.

The examiner disagrees because the examiner has given a proper interpretation of the term “lightpath”. The appellant argues that “it is well known that a lightpath refers to a “point to point connection with an effective guaranteed bandwidth”. Although there may be a specific definition of the word lightpath, it is reasonable to interpret the lightpath to describe any path or individual connection using optical media. Such an interpretation is reasonable because there is no indication in the specification nor the claims of such a specific definition. An indication of such would be in the form of a definition in the specification. Also, there is no indication in the claims as to what is meant by the determining and displaying of impacts on lightpaths, that would have led to interpreting lightpaths as desired by the appellant. While the appellant has the right to make the claims as broad as possible, the appellant must be careful that the claims are so broadly recited that they are taught by prior art. Such is the situation in this case where the absence of language describing lightpaths in the specification and claims

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leads to the reasonable interpretation that a lightpath is any individual link using an optical fiber. Optical communications is defined by Microsoft Press as "The use of light and of light transmitting technology, such as optical fibers and lasers in sending a receiving data" and fiber optic networks are described in Computer Networks by A. Tanenbaum as "Fiber optics can be used in for LANs as well as for long haul transmission, although tapping onto it is more complex than connecting to an Ethernet. One way around the problem is to realize that a ring network is a collection of point-to-point links". Such definitions support the examiner's interpretation of a lightpath as link in a network that utilized optical fiber.

Furthermore, even if the appellant's definition of a lightpath as and end to end (i.e. point to point) path was afforded, the combination of Doshi and Henderson would still teach determining the impact of light paths using such a definition. Both Doshi and Henderson teach determining the impact and recovering from failures of links in a network with optical links. Doshi in Column 10 Lines 30-37 describes an algorithm that restores an end-to end path which clearly requires the analysis of impacts on a path of a failure in one of the links. Henderson in figures 5A-5D shows the displays that are presented to the user that shows the full paths including individual links of a path. Therefore Doshi and Henderson teach determining the impacts of individual failures in an end-to-end path. Since the claims do not give specific details(such as "determining the bandwidth affect of a failing node in a lightpath") as to what is meant by determining the impact, any function of monitoring the optical networks of Doshi and Henderson correctly cover such limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/TOM Y CHANG/

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